



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN
ATTORNEY GENERAL

Raymond P. Taffora
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

TO: Members of the Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing

FR: J.B. Van Hollen, Attorney General *J.B. Van Hollen*

DT: March 25, 2010

RE: 2009 Senate Bill 376 and Senate Bill 377

Dear Members of the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing:

Please accept the attached written testimony in support of 2009 Senate Bill 376 and Senate Bill 377 related to fees from retired law enforcement officers seeking to carry concealed weapons and making an appropriation and carrying concealed weapons by law enforcement officers and by retired law enforcement officers. Similar testimony was also delivered to the members of the Assembly Committee on Criminal Justice when a public hearing was held on Assembly Bill 473 and Assembly Bill 474 companion bills to Senate Bill 376 and Senate Bill 377, on December 10, 2009.

Thank you.



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To: Members, the Senate Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing

From: Attorney General J.B. Van Hollen

Date: March 25, 2010

RE: Written Testimony in Support of 2009 Senate Bill 377 Relating to Carrying Concealed Weapons by Law Enforcement Officers and by Retired Law Enforcement Officers

I am writing today in support of Senate Bill 377. This bill has a number of sponsors in the Senate and the Assembly, which is gratifying to see. I particularly want to thank Senator Holperin and Representatives Hraychuck and Friske for their work on the legislation.

I have had the opportunity to co-host law enforcement roundtables for each of Wisconsin's 72 counties. Many on this Committee have actively participated in those roundtables. One of the issues that was raised repeatedly was the wisdom of allowing retired law enforcement officers to carry weapons and the fact that many local police agencies have not implemented what is commonly referred to as HR 218, or the Federal Law Enforcement Officers Safety Act of 2004.

This federal law establishes guidelines by which an experienced retired law enforcement officer, who maintains proper training, can obtain certification allowing them to carry concealed firearms of the type the officer used while active. HR 218 permits local agencies to apply their local standards to issue the certifications to retired officers; however, the federal law does not command that all local agencies comply. So while the federal law creates clear standards for issuing a certificate and permits their issuance, the federal law must be executed at the state or local level.

What Senate Bill 377 would do, in large degree, is codify the federal law in state law and provide clear direction as to how these certificates can be issued.

Early in my tenure as Attorney General, there was a debate about whether state and local law enforcement agencies may issue certifications. I believe that the meaning of HR 218 is clear—law enforcement *can* issue certifications without state implementing legislation. Many local law enforcement agencies like the Dane County Sheriff's Office, City of Madison Police Department, City of Racine Police Department and City of Middleton Police Department have issued certifications to their retirees. In June 2008, my agency, the Department of Justice, became the

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first state law enforcement agency to issue certifications, and we have lawfully issued 18 certifications to retired special agents to date.

I want to repeat that – agencies *can* and *have* issued certification cards – and they have done so legally.

So why is this legislation before you today?

I believe legislation is needed to give a greater effect to HR 218 in Wisconsin in three ways. First, by codifying the language set forth in HR 218 in our statutes, any ambiguity as to the authority to issue certifications is removed. If enacted, those who currently believe – and I believe they do so wrongly – that HR 218 does not authorize them to issue certifications will need to look no further than the state statutes for direction. Those who need a roadmap for how to issue certificates will have one, in state law.

Second, the bill provides immunity to issuing agencies to take away any liability concerns that may currently exist. Some agencies, likely under the advice of risk averse corporation counsels or risk management officials, have declined to implement HR 218 because they fear liability could flow from the issuance of a certificate pursuant to federal law. By limiting liability, this excuse is removed. Those who properly apply the law will not have to worry about lawsuits.

Finally, the bill provides a mechanism to ensure that federal officers who served in the state have the ability to have credentials issued.

In sum, if this legislation is passed, I expect much greater implementation of HR 218 leading to a safer Wisconsin.

Members, I wholeheartedly support these two bills and I urge you all to do so as well.

Testimony and Statement for the Members of the Senate Committee on Judiciary,
Corrections, Insurance, Campaign Finance Reform, and Housing

Public Hearing on March 25, 2010, covering SB 376 and 377
(Concealed Carry for Off-duty and Retired Law Enforcement Officers)

Good Morning Chairperson Taylor and Members of the Committee:

My name is Mike Koll; I'm a retired federal agent who served with the Secret Service, the U.S. Labor Dept.-Racketeering Unit, and the Social Security Administration, Office of Investigations, all over a 34 year career. I was born, reared, and have lived most of my life here in Wisconsin. I worked out of the U.S. Courthouse in Milwaukee for over 20 years.

I am here today to ask you to support and vote for SB 376 and 377, which would facilitate Wisconsin coming into compliance with the federal HR 218 law (PL 108-277) enacted July 22, 2004.

HR 218 provides a process for off-duty and retired law enforcement officers to certify and qualify for the concealed carry of a firearm. Wisconsin is one of the few states where enabling legislation has not already been enacted. Qualified officers from other states may now come into Wisconsin carrying a concealed firearm, but we who work or live in Wisconsin have been denied that opportunity.

We retired officers, deputies, wardens, and agents would pay a fee to become qualified, so no state or local funds would be expended.

We retired law enforcement officers are a valuable resource who could act in an emergency situation, such as that involving an "active shooter" in a public forum. We hope that never happens. We are not "cowboys" or "hot dogs." Those retired officers who do choose to qualify, believe they still have skills and abilities to offer in public service. We have served responsibly with dedication and honor over many years already. I believe we have more to give. Please support and vote for SB 376 and 377. Thank you very much.

Michael Koll, 1889 Stonehaven Drive, Sun Prairie, WI 53590

608-825-2106 mmkoll@charter.net

THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION

March 25, 2010

The Honorable Senator Lena Taylor, Chair
Judiciary, Corrections, Insurance,
Campaign Finance Reform, & Housing Committee
Room 415 South
State Capitol
P.O. Box 7882
Madison, WI 53703-7882

RE: Statement to be Distributed to Committee Members for the March 25, 2010
Hearing on 2009 Senate Bill 376 and 377.

Mme. Chair and Distinguished Members of the Committee:

With nearly 11,000 members, the Wisconsin Professional Police Association (WPPA) is the state's largest law enforcement group. Our mission is to protect and promote public safety, as well as the interests of the dedicated men and women who serve to provide it. The WPPA genuinely appreciates this opportunity to offer its enthusiastic **SUPPORT** of Senate Bills 376 and 377.

Those who have retired from the law enforcement profession have sacrificed a great deal during their careers in order to keep our communities safe. In recognition of their service, expertise, and training, federal law was changed with the Law Enforcement Officers Safety Act of 2004 to permit retired officers to carry concealed weapons, provided that they satisfy several strict conditions. Since 2004, a great deal of confusion and concern in both in the state legislature and the law enforcement community have prevented Wisconsin's retired officers from enjoying the same rights of their counterparts in other states. As a result, the general public is denied the ability to benefit from the considerable skills of those who have kept us safe, and are supremely capable to continue that service, despite the fact that they no longer wear a badge.

Senate Bills 376 and 377 will clearly codify the federal law into Wisconsin law, erase the liability concerns that have previously existed with respect to this issue, and recognize that there is real value in the unique skills that officers acquire during their service that enable them to help maintain public safety even after they have left the profession.

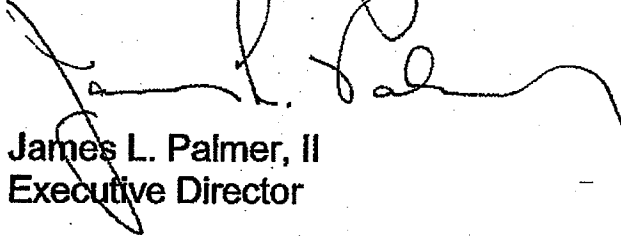
Senate Bills 376 and 377 represent sound public policy, and on behalf of the overwhelming majority of Wisconsin's law enforcement community, the WPPA respectfully urges this committee to approve this measure quickly. Doing so will help

Senate Judiciary, Corrections, Insurance, Campaign Finance Reform, & Housing
Committee
WPPA Statement in Support of SB 376 and 377
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ensure that this state can continue to be a safe place in which to live, work, and raise a family.

Thank you for your consideration.

THE WISCONSIN PROFESSIONAL POLICE ASSOCIATION

A handwritten signature in black ink, appearing to read "James L. Palmer, II", written over the printed name and title.

James L. Palmer, II
Executive Director